THE THE STATE OF THE RESIDENCE OF THE PROPERTY OF THE PARTY OF THE PAR

THE COURTS.

Proceedings in the Courts Yesterday.

The Clark-Bininger Case-Important Decision-The Ship Neptune Examination-More Lottery Dealers in Trouble-The Rules of the Stock Exchange in Dispute-The Abrahams Will Case-The Fenian Fund Controversy Up Again-The Fisk Pavement - An Injunction Granted.

UNITED STATES DISTRICT COURT.

The Clark-Bininger Case-Important Deci-sion-The Ruling of Judge McClann as to the Power and Jurisdiction of the Superior Court Sustained. Before Judge Matchend

m the Matter of Abraham B. Clark and Abraham Sininger.—Judge Blatchford, in a lengthy decision, supposts the views taken of the jurisdiction of the perior Court by Judge McCunn, who first had judi-Judge Blatchford says:-The questions thvolved

were considered by this court in the case in re. Vogel (Second Bankrupt Register, 13s). When properly is lawfully placed in the custody of a receiver by the court which appoints such receiver it is in the custody and under the property of the court which appoints such receiver it is in the custody and under the properties and control of such court for the time being, and no other court has a right to interfere with such possession unless to 95 some court which has a direct supervisory courted over the court whose process has first taken possession, or some superior jurisdiction in the premises. Peck vs. Jenness, 7 Howard, 612-625; Walliams vs. Benedict, 8 10td, 107-112; Wiswall vs. Sampson, 14 10td, 52-63; Peake vs. Phipps, 14 10td, 35-3124; Taylor vs. Caryli, 20 10td, 53-53; Freenman vs. Howe, 24 10td, 50-6; Buck vs. Colouth, 5 Walliace, 334, 11 in the present posture of the case 14 does not appear that this court has such superior furnisdiction in the premises or such supervisory control over the State court in respect to the property in question as to authorize to the property or 10 enjoin the receivers from further in criteria with such property. considered by this court in the case to take away from the State court the possession of such property or to enjoin the receivers from further interfering with such property. This Court will always be sedulous to enforce its just powers, but it will not demand from any other inhumal any-sing which it would not be willing to concede itself under like circumstances. In the case referred to—in re. Vogel—it compehed the resistance to an assignee in bankrupky of property which had been asked away by process of a State court from the outsidy of this court, and its decision was affirmed by the Circuit Court on review. The principle on which such restitution was enforced would authorize the State cours in the present case to compat restitution to the receivers of such property as this court abould take away by force from the custody of such State court, and the court might then retained, and the confusion and endiess strife would ensue which are so forcibly characterized by the Supreme Court in the opinion delivered in the case of Buck vs. Colbath, before cited.

The application is denied.

A Judge Compilating That He Has Nothing

A Judge Complaining That He Has Nothing to Do Through the Negligence of Connsel.
Judge Blatenford sat yesterday, and called over the admiralty calendar. No case was ready for trial louosel for plaintiff in several cases were willing to Cousel for plaintiff in several cases were willing to good, but pounselfor defendant were not quite prepared, or had other engagements or their witnesses were out of town or not in attendance, and what for days in next week, the Judge remarking that houndreds of matters were pressing and no case for him to try. Members of the oar observed that they had been thrown out of their calculations by supposing that the Judge would have used engaged in the Funerton case; but the Judge repind that they should not assume that the court would not six regularly every day for the next five weeks. If counses had read the Heralic they would not exceed the funerton case the Court nothed that admirably trains would be proceeded with.

AMITED STATES COMMISSIONERS' COURT. The Ship Neptune Case.

United States vs. Enoch W. Peabody, Mc atd and Brady .- The defendants are, first, the Donald and Brady.—The defendants are, first, the capitam of the ship Neptune, and the other defendants, McDonald and Brady, are first and third mates of the same vessel. They were jointly charged with ill treatment of the crew of the Neptune on that vessel's last voyage from Liverpool to this port. Up to yesterial the defendants were examined together on the charge, but on motion of counsel the Commissioner at this stage of the proceedings granted a separate examination in each case. The further hearing is set down for Sauruay, at ten o clock. More Lottery Dealers in Trouble.

pencer.—The defendants are charged with exercising and carrying on the trace or business of lottery dealers without payment of the special tax. They were yesterday arrested and brought before Commis-sioner Shields, who admitted them to bail in \$2,000 each to appear for examination on Wednesday next.

SUPREME COURT-SPECIAL TERM. The Rules and Regulations of the New York Stock Exchange in Question. Before Judge Cardozo.

Alexander T. Compton vs. William H. Neilson. This was a suit to determine whether a temporary injunction previously granted should be made per manent or discontinued. The complaint set forth that the plaintiff was a member of the firm of John J. Pardee & Co., bankers, the only other member of the said firm being Pardee, one of the defendants, the said firm being Pardoe, one of the defendants, who is a member of the New York Stock Exchange. The plaintiff, however, was not a member of that institution. The rules of the association provide that the governing committee snail appoints and has appointed an aroutration committee consisting of nine members. During the period from July 6, 1869, to September 24, 1869, the plaintiff a firm had various transactions in gold with one Kandari H. Foote, who was a member of the New York Stock Exchange, it appeared that certain differences having arised between the plaintiff's firm and Foote, plaintiff and Pardee commenced a suit. Foote joined issue upon the whole cause of action. The complaint set forth that the delendants, constituting the governing committee, acting upon the rules of the association, assumed jurisdiction of the matter in issue therein. mittee, acting upon the rance of the association, assumed parisolction of the matter in issue therein, and intimated that it the plaintiff in the action should fall to appear before the arbitration committee the case would be neard ex parts; and threatened Partee that in the event of the plaintiff in the action refusing compliance with the decision of the committee fie would be suspended from the membership of the Exchange; that the matters at issue in the said action have reference principally to transactions entered into by Pardee & Co., on the order of F. W. Sterry & Co., for the purchase and the safe of gold. As neither of the members of the plaintiff's firm were members of the New York Gold Exchange the orders were given by them to Foote, who andertook to taill them. Sterry & Co. make claims against Pardee & Co., but refuse to recognize the committee of the Exchange as arbitrers in the matters. The plaintiff contends that as the matters in dispute could not be fairly heard and octernined by the Arbitration Committee, be has, therefore, refused to place such interests at the disposal of that committee; that, not withstanding the plaintiff objections, the defendant Pardee was willing to studied in December last an injunction restraining John Jay Pardee and the other detendants and the members of the New York Stock Exchange from interfering with the matters in dispute. The case now came up in regular order, having been unity submitted.

The Abrahams Will Case—Charitable Distri-

The Abrahams Will Case-Charitable Distribution of Property.

Before Judge Brady. Benjamin Abrahams, Executor, &c., vs. The He brew Benevolent Society.-This was a suit to establish whether several legacies bequeathed by Simeon Abrahams, deceased, were valid, and whether any preferences in the order of payment were to be made among the legades to charitable insututions. Simeon Aorahams, a physician, died in this city in April, 1867, bequeating to mis brother, the plaintin, the sum of \$50,000 and to his sister £50,000. Dethe sum of \$50,000 and to his sister \$50,000. Decased also left to several Hebrew and ether charitable institutions large sums of money, varying from \$1,000 to \$0,000 each and to some \$25,000. The pixitiff was one of the executors, the whole of the personal estate amounting to \$133,500 according to the inventory. It subsequently appeared, however, that the property was not of such value. The complains also ests forth that the whole of the estate of the said testator, including the process of the real estate as said. including the proceeds of the real estate as sold, will not be sufficint to provide for the several legacies and dispositions contained in the will, but will fail short thereof by a large amount, and that the plain-

J. Parr. The case came up yesterday on a motion for an order to show cause why the suit should not be discontinued.

Counsel for piaintiff read an affidavis to the effect that Mrs. Mary J. O'Donovan Rossa, agent and wife of the plaintiff, had given instructions to have the suit abandoned. He also produced a letter showing that an agreement had been drawn up between Mrs. Rossa and the desenoant stipulating that on payment of costs to the former the suit should be discontinued.

ment of costs to the former and continued.

The decodant's counsel proposed to make an amdavit denying that he had ever received any notice concerning the abandonment of the suit.

The Court decimed to allow the counsel to make the amdavit-at present, and postponed the case till saturday next to give time for the production of any documents that might be required.

SUPERIOR COURT-TRIAL TERM-PART 2

Verdict Against an Insurance Company. Hermann Sturm vs. The Atlantic Musual Insur ance Company.—This case, which has been fully rewhich went to the jury on Tuesday and yesterday and which went to the jury on Tuesday evening, was to-day concluded. The jury, after being out for a long time, seat in a sealed verdict awarding full damages to plaintiff to the amount of \$32,900.

COURT OF COMMON PLEAS.

The Fisk Pavement—An Injunction Granted Before Judge Van Brunt.

J. H. Dudley et al. vs. The Mayor et al. and Th Board of Assessors et al. This was an application on behalf of the property holders of 129th street for on behalf of the property holders of 129th street for an injunction to restrain the levying of any assessment for the Fisk concrete pavement in that attreet, on the ground that under the ordinances of 1824 and 1839 it was provided that a street which bad once been paved at the expense of the owners of property in the vicinity the expense of paving it and keeping it in repair should be borne by the Corporation, and that as subsequent repairs were for the public benefit private property should not be assessed. Counsel submitted that as the Fisk concrete pavement was a nuisance the Corporation had no right to create a nu sance and make the property owners bear the expense.

Judge Van Brunt granted the injunction.

COURT CALENDARS-T.HS DAY. SUPREME COURT—SPECIAL TERM.—Before Judge Sardozo.—Issues of law and fact.—Nos. 109, 221,

Carrosso, Backer Chambers.—Before Judge Bar-Sepreme Court—Chambers.—Before Judge Bar-nard. Call of calendar twelve M. Reserved case

nard. Call of calendar twelve M. Reserved case No. 129.

MARINE COURT—TRIAL TREM.—Part 1.—Before Judge Alker.—Nos. 553, 176, 396, 480, 586, 557, 588, 689, 695, 614, 016, 620, 624, 624, 627. Part 2.—Before Judge Gross.—Nos. 426, 90, 472, 576, 577, 578, 683, 6775, 58, 590, 592, 692, 691.

COURT OF GENERAL SESSIONS.—Held by Recorder Hackett.—Court opens at eleven A. M.—The People vs. William Steele, robbery; John McGrath and James Revington, burglary; William Fletcher and James Revington, burglary; William Fletcher and James Retteler, lebonous assault and battery; John Nelson and Abraham Steen, lorgery; Charles Courdes, Maurice Warschener, Joseph Albert, Barton M. Johnson and Jerome Bradley, grand Jarceny; Jerome Bradley, forgery.

BROOKLYN COURTS.

UNITED STATES COMMISSIONERS' COURT. The Latest Conspiracy to Defraud the Gov-

ernment.

Before Commissioner Jones.

The United States vs. Richard Rowland, E.J. Hampden and Others .- The defendants, it will be remem bered, were arrested on the charge of conspiring to defraud the government by means of a logus mort-gage upon property which had been seized for viola-tion of the Excise law, and the circumstances of the case have already been published in the highard. The nearing of the case was set down for yesterday, but in consequence of the liness of one of the coun-sel for the defence it was possponed until Monday next.

SUPREME COUNT-SPECIAL TERM

Foreclosing a Mortgage-Alleged Sham Interest. Before Judge Pratt,

Matthew Randall vs. Grace B. Cooke, Impleaded .-This action is brought by plainuff, as assignee, to foreclose a morigage made by one Charles Cooke and Grace B. Cooke, his wife, to Catharine Totten and Grace B. Cooke, his wife, to Catharine Totten The defence is that Randall is not the real party in interest, and that Grace Cooke not naving joined in the deed of the property to one Austin Meyers, who, as claimed, supplied the assignment of the mortgage, is entitled to the protection of her inclicate right of dower, to be subrogate to the rights of plain the upon payment to him of the amount of the mortgage with interest and costs.

gage with interest and costs.

Aution was made by plaintiff yesterday to strike out that portion of the answer setting forth that he was not the real party in issue and for judgment on the balance. Decision reserved.

BOARD OF HEALTH.

A Doctor's Dogs-They are Declared Nutsauces-The Metropolictan Gas Company Case-Dr. Stone Elected President-Small pox-Fat Mekers. This Board met yesterday, Commissioners Henry

Smith and Crane being absent. The attorney reported that a complaint had been

made against a dog kennel in the yard of Dr. A. R. Strachan, of No. 47 East Twenty-third street, charging that four dogs of unruly natures are kept there, whose kennel is to the sense of smell and howlings to the sense of hearing. He asked for instructions to commence a suit, as it came under section 167 of the Sanitary code. A discussion followed, some taking the part of the dogs and others that of the complainant. Mr.
Manierre stated that the animals were valuable
stock, formerly the property of the late British Minliter, and that Dr. Stracuan had expressed his wilingness to remove them if their presence was objectionable. The attorney was instructed to commence a suit after five days' notice should the
sleged nuisance not in the meantime be abated.

HOG SLAUGHTER AND OTHER NUISANCES.
A request was received from Neusetter & Brothers
for a permit to singinter hogs at No. 414 West Fiftyfourth street. The inspector and Sanitary Superintendent reported against granting a permit, and it
was refused.
A petition was read from citizens of the First ave. of the dogs and others that of the complainant. Mr.

fourth street. The inspector and Sanitary Superintendent reported against granting a beriait, and it was rejused.

A petition was read from citizens of the First avenue assuing the Board to abate the candle factory of E. J. Mitchell & Co., Nos. 667 and 669 First avenue, which they declare to be nuisance. Dr. Morris reported that it is objectionable, but can be improved by certain changes in the mode of manufacture, Referred to the Sanitary Committee.

GLANDERS IN HORSES.

A communication was received from Henry Bergh, President of the Society for the Prevention of Crueity to Animais, asking for the co-operation of the Board in preventing the spread of glanders and larcea in noises. Referred to the Sanitary Superintendent and the Veterinary Surgeon.

THE GAS WAR ENDED.

Professor Chandler reported that the purification of gas at the works of the Metropolitan Gas Light Company, in West Forty-second street, is now effected by materials which do not, in his judgment, give rise to offensive or deleterious gases, Laming's mixture is now used in place of lime. It is found to be very efficient, half the purification of all the gas manufactured, which is now about 1,350,000 feet per every twenty-four hours.

ELECTION OF A PRESIDENT.

The Roard went into an election for president. On the first bailot Dr. Stone received four votes, Lincoin three and Bosworth one. On the second the vote was the same. On the third Stone was elected on the vote:—Scone, six; Crane and Bosworth one each.

on the vote:—Stone, six; Crane and Bosworth one each.

The chairman of the Sanitary Committee stated that the smailpox was markedly on the decline, but few cases comparatively ceing daily reported. The relapsing fever is also under such control that the number of cases reported daily has declined to one or two, though the sanitary inspectors constantly search for it throughout the entire tenement house districts. Every known case and every apartment where it exists or has existed is believed to be under such case as to prove at the spread of the contagion whole it exists or has existed is selected to be under such care as to prevent the spread of the contagion from these centres of infection.

The Board relused to grant permits to must fat to any of the applicants for such permits in the vicinity of West Phirty-eighth atreet.

SITHO-CLYCERISE DISISTER AT MORRIS.

ANIA.

One Man Instantly Killed and Several Others Soverely Injured. Shortly before noon yesterday a terrific explosion of nitro-glycerine occurred at the new race course now being constructed at Morrisania which resuited in the almost instantaneous death of a laborer named John Sullivan, and the indiction of serious injuries upon nine others, one of whom is not expected to survive. It appears that the explosive commodity, nitro-glycerine, which is being employed for removing rock on the properly proceed to the distribution of the legacies without first obtaining the judgment and direction of the Court by which the will could be interpreted and the dunies of the plainting as executor defined.

SUPERIOR COULT—SPECIAL TERM.

The Wrangle About the Fenian Fund.

Before Judge Spencer.

Jeremiah O'Donocan Rossa vs. John O'Mahony.—
The action in this case is to recover \$8,000 of the Fenian Bond money in the nands of the receiver, T. of whom is not expected to survive. It appears

THE BAILEY WHISKEY RAID.

ABLE ARGUMENT OF COUNSEL

Opinion of the Court to be Rendered on Saturday Next

The case of the United States against Martin R. Cook culminated in interest yesterday, is being known that counsel for the defence and prosecution

striking evidences of the powers of eloquence with both are secredited. The court room was prowded in every part from its opening to its close. Mr. Carter on rising said that according to the order of proceedings it devolved on him to now address the Court. It was a most difficult task, as there was really nothing for him to say. Nothing had been proved against the accused, but a full and perfect explanation had been made on every branch of the case by the testimony of witnesses, who had not been contradicted in the slightest degree. Whatever point, therefore, may be touched upon by him must be a point raised merely by conjecture. If left to his own discretion he would not say a word; but, possibly, his elient, if he remained silent, might think he had not fully discharged his duties in this particular. He would, therefore, have to say something, and he would begin by reminding his Honor, as he had done at the sutset on moving to dismiss the case, that there are certain rules by which his Honor must be bound in this investigation. One of these rules was, that it must appear that some offence has been committed. He did not mean to say that there must be clear proof of the fact that an offence had been committed, that an offence must be proved by overwhelming evidence, but it must appear by satisfactory evidence that an offence has been committed. But when you come to the other question, what is the extent of the probable cause, and what connection has the detendant with the salieged offencer a less grade of proof is becessary, and a smaller measure of evidence is required to satisfy your thour upon that point. The general proposition would not be disputed. He would now recur to the case as the government has been endeadoring the established at the government had established anything more throughout the case than had been established at the very outset. The sole evidence of the government consists of declarations only. First, the declaration of Farrington, bothed advong the papers of the flam of Gordon, Fellows & McMillan, and therefore, as the government claims Gordon, Fellows McMillan & Gook, the special defendants, here are bound by. The first declaration was that toese 133 barrels contained 6,425 gailons of spirits. That was a mere accuration on paper. The other piece of evidence was of the same character. It is a declaration of one of the members of the firm found on the books of the firm, that its barrels of E. and D. wanskey did contain 6,425 gailons of spirits. But these declarations are not such evidences of any fact. Tocretors the entire case of the government consists of these two declarations, which your flouor thinks such the government claims in evidence to bind the members of the firm. That will be admitted till the members of the firm. That will be admitted till the matter lexify amed, and in order to explain them we must show what the actual transaction was and then compare the actoal transaction with these declarations. The government had no right to call upon the defence to explain the matter, but as we were called upon to do so we did it thoroughly and completely. Counsel then proceeded to review the evidence very fairs that has dead shown, and, concluding, said that if his Honor's mind was constructed as some minus were, c proved by overwhelming evidence, but it must appear by satisfactory evidence that an offence has only of legal rules of evidence and law, and while submits itself to the testimony of witnesses whose trata and veracity has not been and cannot be impeached, he was convinced that his Honor women dismiss the charge at once, and, therefore, there was he reason why he should further take up the time of the court. It on the charge the charge of the court.

dismiss the charge at once, and, therefore, there was no reason way its should intriber take up the time of the Court. It, on the other hand, the Court would be guided by the rules laid down by the prosecution, there was no occasion for him (counse) commeating upon the manner or appearance of the three reliable wittenses who had so thoroughly and satisfactorily explained everything having the appearance of suspicion against the defendants. Human testimony means something or it means nothing. People are to be field for the commission of crime on mere suspicion that may arise or be distorted ageinst them, or that may have previously existed against them, is thus to be so, or before we condemn shall we not take the testimony of fathing witnesses? It must be either the one course or the other. We, by our witnesses, have overinrown every theory of the prosecution. On the other side you have not the testimony of a single witness to a single fact. You have only their reclarations, and declarations only, and these declarations themselves are explained by the very parties who made them or procured them to be made. The e act and precise meaning of these declarations have been unly and satisfactorily explained by them and their meaning and intended application and force pointed out. With regard to the 135 parreis marked & D., high wine four witnesses have sworn

and their meaning and intended application and force pointed out. With regard to the 135 barrers marked E. D., high wine, four witnesses have sworn that a great portion of it was moved to an upper lost, and that when gauged they contained only twelve gallons more than the government gauge. This fact has been testified to by four witnesses whose testimony stances unimpeached. He would say, in conclusion, that there was no circumstance, even of suspicion, to throw upon the transactions of this firm in connection with this case, although the government has had possession of their books for five or six weeks. If his honor's mind was to be operated upon by mere suspicion some theory of suspicion may be tortured out of all the surrounding circumstances of the case, and if from this it was impregnable to proof then all examination, all testi-

the return on which the tax ought to have been paid is the other. A great deal had been said in relation to tais paper, being evidence of the hundred and forty eight darrels. There is nothing of the kind. It was dore and pure assumption to say so. The paper says one hundred and thirty-three barrels, and but one hundred and forty-eight barrels, and every witness has sworn that the one hundred and forty-eight barrels were not gauged, and almost the last word that counsel for the defence uttered was that they were not gauged. The witnesses swore that they were not gauged. The witnesses swore that they were gauged.

Mr. Carter.—No witness swore anything of the kind, that they were not gauged. The witnesses swore that they were gauged.

Mr. Pierrepont.—They swore they were not gauged.

Mr. Pietrepont—Iney shot are wrong.
Mr. Carter—Excuse me; you are wrong.
Mr. Pietrepont—I am not wrong; I submit to your own judgment on the point. Parrington never made a gauge of it, but, on the contrary, he swore he never made a return to it till afterwards.
Mr. Carter—Farrington did not do it, but it was done.

Mr. Carter—Farmeron did not do it, but it was done.

Mr. Pierrepont—No; they say there was some memorandum made on the subject, but no gauge was made and farrington does not pretend that he did gauge it, nor was entry made of it till the lith of dugust, seven or eight days after.

Mr. Carter—With regard to the 4,626 gallons Hathaway swore—

Mr. Pierrepont (interrupting)—You will find that there is no evidence to show that Hathaway ever ganged it or saw it gauged.

Mr. Carter—There is no evidence that he saw it gauged or that he gauged it; but the evidence of its being gauged is the lact of the return giving the number of gallons gauged.

Mr. Pierrepont—1 contend that there is no evidence.

number of gallons gauged.
Mr. Pierrepont—I contend that there is no evidence of their being gauged.
Mr. Carter—If not gauged how could we have got

at. Pierrepont—I contend that there is no evidence of their being ganged.

Mr. Carter—If not gauged how could we have got at the number of galions?

Mr. Pierrepout—1 on can find any number of galions you desire when fraud is the object. How did you get those returns? By making faise returns. There is not a particle of evidence to show that the 14s barrels were ever gauged by Parrington or Hattaway.

The Commissioner—That is my recollection, and that on consultation among themselves—Farrington, Cook & Hathaway—it was assumed that was the amount.

Mr. Petton, also for the defence—Farrington said they were gauged.

Mr. Pierrepont contended that Parrington made no gauge of them, and that he hever even saw them. He contended that according to common law and common sense everything was to be taken against that party who could not show from their books every duty paid, who could not make faithful returns and exhibits of taxes paid by them from cheek books, receipts and cash books of their own keeping, and kept in the regular course of their business, and by which they could also show every single barrel of whisky that came in and every one that went out, to whom sold and by whom purchased and the amount of tax paid. If the law in this regard was not upheld, then, he would say, let courts perish. Let us, for God ake, have no more investigations of any kind; but let whiskey rate, trample down the law—tear it uterly away—and let brivery, corruption and frand rule in its stead. Say, Mr. Commissioner, by your ruling in this case, whether this shail be so or not.

The Commissioner stated he would give the case the most careful consideration, and render als decision on Sasorday next.

The court then adjourned.

KINGS COUNTY BOARD OF SUPERVISORS.

Salaries Increased-Straw-Bed-Militia Soldiers Brooklyn-A Real Estate Job Unmasked-The Inspectors of Election-Leakages &c.

The regular weekly meeting of the Kings county Board of Supervisors was held yesterday afternoon, the chairman, Supervisor Osborn, presiding. A communication was received from the Trustees of the Law Library recommending that the salary of the Librarian of the County Law Library be increased to \$1,500 per annum.

The Salary Committee reported a resolution in favor of delegating to the Justice of the Court of Sessions the authority to designate and appoint a stenographer for the Court of Sessions, at a salary of \$2,000, dating from February 1, 1870. Adopted. The Committee on Accounts reported, among a large number of other bills against the county, one which was certified by Major General S. L. Woodford for \$125 for 100 straw beds for the use of the 100 men of the Thirteenth regiment. New York S ate Na tional Guard, while on duty in the State Arsenal, Portland avenue, under the recent call for their ser vices by the Sheriff. The Supervisor from Flatbush objected to the payment of this bill, on the ground that it was not a legal claim.

He did not see what use 100 men had for 100 straw beds while on duty for one night.

If they were to lie in the beds they could not have performed any soldiery duty unless they were straw bed soldiers. The law provided for the payment of one dollar a day and rations to members of the National Guard while on active service. Straw beds are not rations. When the militiamen of this county cannot perform milkary duty without straw beds to lie on he thought they had missed their vocation and had petter go into some other business-the ministry or something of that sort. He, for one,

would vote against the payment of the bill, as its passage would establish an ill-advised precedent. The bill was ordered to be paid by a vote of 18 in the affirmative against 7 in the negative. Rules for the government of the "Morgue" were introduced and laid over for one week. The salary of John H. Levy, keeper of the dead house, was by resolution increased to \$1,000. Five hundred dollars was the amount heretofore paid for the duties

introduced and laid over for one week. The salary of John H. Levy, keeper of the dead house, was by resolution increased to \$1,000. Five hundred dollars was the amount heretofore paid for the duties of this office.

The same committee reported in favor of urging the passage of the bill before the Legislature to fix the salary of William Bisbop, Clerk of, the Supreme Court, at \$2,000,per annum.

The special committee to whom was referred the resolution calling for information as to the amount of rents received for the houses now leased on the ground adjoining the Court House reported in favor of continuing the leases until the expiration thereof. Mr. Duffy, the lesses of the houses in question, stated before the committee that he paid \$12,450, collected in rents, to the county, and realized only \$2,400 himself. Supervisor Cross said that he had gone round among the tenants and had seen their receipts for rent, amounting in the aggregate to \$16,800. He would not dispute the assertion that Mr. Duffy personally realized but \$2,400 from this property, but there were three or four other gentlemen present, whose names he would not mention, who had "their share" each doled out to them by the lessee. There was no good reason why the county should not rent this property without the agency of Mr. Duffy, and realize all that was to be made thereon by this person.

The Supervisor of the Fenth ward thought it to the best interests of the county that the rents be collected through one lessee, as is now done, than that the collection should be placed in the hands of the Board. He imputed a desire of the part of those members who urged the cancel of the besses and the tearing down of the "stables," "Higuor stores," &c., standing on the property in question, owned by the county, to improper motives, because of their desire to display new buildings in the vicanity, which were not shown to advantage while these buildings remained.

The Supervisor from Flatbush moved that the clerk of the Board notify the lessee that he can, if he

connection with and case, although the government works. If his shooters may be also be opposed when you suspected upon by mere suspected some theory of the suspected some the contrast stantian and related, mere could so no bestation in arriving at a just content of the compared white the feetle statempt on the part contrast stantian suspected are compared white the feetle statempt on the part contrast stantiance of the commission of the part contrast stantiance of the commission of the part contrast which the suspected statempt on the part contrast which the suspected statempt of the commission of the part contrast which the suspected statempt of the commission of the part contrast which the suspected statempt of the commission of the part contrast which the suspected statempt of the commission of the suspected statement which the suspected statement of the commission of the sus

THE BANK COFFEE HOUSE TRAGEDY.

Trial of James Lee for the Killing of William Kane-A Crowded Court and the Nature of the Audience - Acquittal of the Accused.

It having become extensively known that James Lee would be put on his trial yesterday morning in the Court of General Sessions, charged with the murder of William Kane in the barroom of the Bank Coffee House in Grand street, during an alleged political impute, in the month of November last, long before motley crowd congregated in the hallways and corridors leading thereto, all evincing the utmo anxiety to gratify that morbid curiosity which characterizes a certain class of our fellow citizens, who ponder over the sickening details of crime in all its phases, as developed in a court like the General Sessions, and particularly do they hug to their bosoms a good out-and-out murder, and long for the moment to approach when the unfortunate human being who stands charged with that horrible offence may be brought into court and the solem frams finally opened. To say that good, well disposed and sympathizing citizens are not to be found among the audience at a murder trial in New York would, perhaps, be saying too much; but taken as a pretty general thing, the beings who compose such wnelmingly imbued with the "milk of human kind ness" and whose sympathies, if they have any at art, run into grovelling and low depths. The audience in the General Sessions this morning was composed, however, of an omnium gatherum of all classes, the rough and the smooth, the daring "knuck" and the peaceful, respectable citizen who, perchance may have one day to "knuckel" down to the former in the shape of a transfer of his small change.

On Recorder Hackett taking his seat on the bench, at eleven o'clock, District Autorney Garvin directed at eleven o'clock. District Attorney Garvin directed the prisoner James Lee to be placed at the bar. As Lee stepped forward a momentary furter or exertement ran through the court room. He is a decidedly respectable appearing and good looking young man of about thirty, and his whole appearance is afrectly in conflict with the idea of murier. He was attired in a handsome suit of black and conducted nimself in a quiet, modest manner. He was detended by Mr. Sidney H. Stuart.

About two hours having been consumed in empanciling a jury.

District Attorney Garvin proceeded to open the case to them amid profound silence. He reviewed

About two hours having been consumed in empanciling a jury.

District Attorney Garvin proceeded to open the case to them amid profound silence. He reviewed the facts as they have heretofore been fully published in the HeratalD, detailing what he expected to prove by the various withesess for the prosecution. The first witness called on behalf of the people was John C. Smith, who, in answer to the District Attorney, testified as follows:—Reside at No. 34 Norfolk street; on the 15th of November hast, between seven and eight o'clock in the morning (alonday morning), the prisoner and the deceased were in my place, the Bank Coffee House, No. 319 Grand street: they came in together and called for a drink, and drank and went out; they returned in a half or three-quarters of an hour with a man by the name of finady; I not ticed then the prisoner was cut in the lip; they took a drink, and Brady went out; prisoner then said to deceased he did not think it right the way he treated him; deceased said, "You den loafer, I have always been your friend;" deceased shoved the prisoner against the bar and made several attempts to strike him; went from behind the bar and caught hold of deceased and asked him to sit down; he did sit down, but jumped up again; about that time a couple of gentlemen, who appeared to be acquamtances of deceased; came in and tried to pacify him, but they could not ano went out; him, but they could not ano went out; with them, but he would not; deceased then grabeed prisoner several times, and prisoner to the har and tempts to go away and let him alone; deceased then grabeed prisoner by the hair of the head, and prisoner kept saying to let go of him; I was then coming around from behind the bar and heard the report of a pistol; then deceased the grabeed prisoner by the hair of the head, and returned in a few minutes and picked a tumbler off the bar and fire at a prisoner; immediately when the tumbler was fired in learn the minute of the bar and fired it at prisoner; immediately when the tumbler was fired

eased threw the tumbler; Lee had wood on his face from the first beating as received; saw nobody present when the shot was fired but deceased and the prisoner.

Arthur McKeon, examined by the District Attor-

present when the shot was fired but deceased and the prisoner.

Arthur McKeon, examined by the District Attorney—Was present at hair-hast eight o'clock in the morning on the 15th November in the Bank Coffee House, and saw prisoner and kane there; went in with a friend there, leter Manon; knew deceased for several years; when I went in prisoner and deceased for several years; when I went in prisoner and deceased that hold of the prisoner by the sieeve and struck him; deceased said. "Arthur, this fellow has got a pistol; I want you to take it from him;" my friend went to search prisoner for the pistol and said ne could not feel any; we innoght to part them, and my friend then beckened me to go out; and when we got to the other sade of the street he says "Do you hear that shot," and we saw Kane run into the street, looking rather wild looking; witness then detailed seeing kane firing the bistol go off, but not seeing hear it, as witness turned his head to avoid seeing it; heard kane fair immeniately.

The defence was then gone into and all the witnesses examined tended by their evidence to exculpate the prisoner from all blame, and to show that the unfortunate deceased was most to blame in the whole transaction. Evidence was also introduced showing that the prisoner was a man of excellent character.

At three o'clock Mr. Stuart summed up the case for the prisoner, and contended this was a case of justifiable homeide.

District Attorney Garvin having followed on behalf of the people, Recorder Hackett charged the jury, explaining the law of the case to them, and after about a moment's consultation they returned a verdict of not guilty without leaving their seats.

Francis Reynolds, convicted of an assault with intent to do bodily harm to office Cunningham, was arraigned for sentence, when Mr. Howe read an affidavit setting forth certain facts, which in connection with a strong recommendation to mercy by the jury, justified the Recorder in suspending judgment.

SHICIDE OF AT EX-RANK ACENT. An Ex-Agent of the Corn Exchange Stank

Commits Suicide in Hempstead, L. I.-Af-fecting Letters Between Brother and Sister. The readers of the HERALD will no doubt remember that some time ago the Corn Exchange Bank, in this city, was victimized by an agent named Joshua Peters to the extent of \$20,000. Peters alleged that he had been robbed, but it was generally believed that he had appropriated the money, and he was arrested, but his surettes made good the deficiency and he was ilberated. Since that time he has lived an indolent lite and had become a hopeless drunkard. On Monday siternoon he went to liempitead and engaged board at Sammis' Hotel. He retired early in the evening, compisiting of feeling wearied and tired. He did not make its appearance on the following day, and those who were sent to call him returned saying that they heard him breathing. At three o'clock his door was forced open and he was found lying upon the floor with a pistol bail wound about one much behind his ear. The floor was spattered with olood, as were also the bed and whidow curtain. He was frotting from the mouth when found and death was evidently caused by semorrhage. On his person were found mine dollars and two letters, one of which was written by his sister, asking him to aboardon his reckless life, leave his wicked associates and become an honest and industrious man. He had prepared an answer to his sister's letter, dated on sunday has, in which he said he would put himself in the hands of any one see might send, and would cuttered of a verdict in secondance with the above facts requered. His body is in the hands of an undertaker. Peters to the extent of \$20,000. Peters alleged that

MARINE TRANSFERS.

The following is a correct list of marine transfers

Dute.	Class.	Name.	Tonnage.	Share.	Pri
Mch. L. Mch. L. Mch. L. Mch. L. Mch. L. Mch. L. Mch. L. Mch. L. Mch. L.	Schr Schr Schr Strmship. Sloop Stam'r Steam'r Stoop	Jezaje Elis Amanda. Richard Hill. Richard Hill. Wm. P. Clyde. Wm. M. Johnson. Minnie Warren. Erra Nye. Pairbanka. Jo. J. Comatock. Francie C. Smith.	18-22 40.17 159 404 9,45 61.77 46.44 48.4 11.60 125.67	All. 1-16 1-16 All. All. All. All. All.	\$1,700 2,00,400 500 25,000 420 4,00, 656 25,000 1,600 937 50

THE FENIAN ASSASSIN

Condition of Mr. Mechan-The Ball Not Yet Found-The Incentive to the Crime-Kesnan's Accounts Inaccurate-Letter from Mr. Mechan's Partner.

A large number of the friends of Mr. P. J. Meeban who was shot in the head on Monday night sacrily after leaving the Fenian Senate by the would-be assassin Keenan, called yesterday at the residence assassin Keenan, called yesterday at the residence of Mr. E. I. Carey, Pike street, to inquire for the victim's condition and welfare. Mr. Meenan was comparatively edsy and showed favorable symptoms pointing to prohable ultimate recovery. The ball has not yet been extracted, however.

It has been ordered by the O'Neill wing of the Fenian Brotherhood that in view of this lamentable difficulty the Eight Annual Congress of the Brother-hood be held at Chicago on the 11th of April next, and that the Congress called to assemble on April 19 and March 8 be not held.

The following letter explaining the cause of the attempted assassination will be of general in-

IRISH-AMERICAN OFFICE, NEW YORK, March 2, 1870.

To the Editor of the Herald:

There have been so many garbied accounts published of the shooting of my partner, Mr. P. J. Meehan, that I deem it but justice to the public that a correct statement should appear. A difficulty had arisen between Mr. McCloud, a member of the Fenhan Brotherbood, and Mr. Keenan, the accused assassin—also a member of the same organization—who acted in the capacity of clerk at beadquarters in Fourth street, in consequence of some infaccing-racies in Mr. Keenan's accounts. During the whole day (Monday) it was coserved that Mr. Keenan's accounts day (Monday) it was coserved that Mr. Keenan's accounts of the Fenhan Brotherbood and while talking to Mr. McCloud used very insulting language. This occurred several times during the easy and Mr. Meehan is president and Mr. McCloud is a member Mr. Keenan's case came up, and the action of the Senate of the Fenhan Brotherhood of which body Mr. Meehan is president in Keenan's case came up, and the action of the Senate resulted in Keenan's dismissan. After the meeting broke up Mr. Meehan and Mr. McCloud were wasking together from headquarters, and when on Broadway Mr. Meehan was shot. The ball entered about an Iroch and a naif below the right hear and penetrated the neck. Mr. Meehan's escape from instant death was intraculous. If the ball had entered an inch inforward or half an inch back of where it now lies imbedded in the fleasy part of the the neck. Mr. Meehan's escape from instant death was intraculous. If the ball had entered an inch inforward or half an inch back of where it day or if it took an oblong direction either way, each would be almost instantaneous. A more deadly aim was probably never before taken by an assassin without that results. Yesterday some of our most distinguished physicians visited Mr. Meehan and examined his wound, they atterwards neid a consultation, which lasted about an hour. The following certificate was the results of their deliberations:—

their deliberations:

New York, March 1, 1876.

We have examined the wound on the neck of Pairick J. Mechan, and and that there is a perforation made by a builet near the angle of the jaw, on the right side, about an inch and a half behind the bifurcation of the common carotid artery. A probe passed inward and forward to the depth of an inch and a half. The wound may have exposed the artery so as to enchanger secondary hemorrhage, which would probably be fatal. The patient cannot be considered out of unages from this cause until after the layes of three weeks.

J. M. CARNOGHAN, M. D. Phitair O HANLON, M. D. Phitair O HANLON, M. D.

It will be gratifying to Mr. Mechan's numerous friends to hear that there is a probability of his re-covery.

NEW JERSEY LEGISLATURE.

The Driggs Land Bill Passed-Fillibustering by the Camden and Amboy Monopoly-The Dog Tax-Bevans and the Pavement Ring

Again. In the New Jersey Senate yesterday the Driggs Land bult, appointing a commission for the dramage of the swamps in Hudson, Essex and Union counties, came up on a motion to reconsider the vote by which it was deleated two weeks ago. Altera sharp

debate it was passed.

Among bills introduced in the Assembly was one which is generally acknowledged to be a flank move-ment by the Camden and Amboy Company to kill the National Railway scheme. It is entitled "An act to incorporate the Mercer and Somerset Railroad Company," providing for the construction of a railroad from some point on the Belvidere and Delaware Railroad to the terminus of the Milistone and New Brunswick Rathroad. Among Milistone and New Brunswick Ratiroad. Among the provisions of the bill, it is clearly set down that the Camden and Amboy, New Jersey Transportation and the belaware and Raritan Canal Companies may subscribe to the stock, and that by the consent of the stockholders the road may be leased to these companies or any of them. The mames of the corporators written in the bill are virtually the names of the directors of the Camden and Amoy Company. The object of the bill is to render the National line innecessary by giving the monopoly the carter songat for by the new company. The bill was favorably reported by the committee during the atternoon session.

The atternoon session in the house was mainly occupied in the discussion of a bill providing for a uniform tax on dogs throughout the State. cupied in the discussion of a bit proving our uniform tax on dogs throughout the State, and the bill was ordered to a third reading without material amendment. It provides for a tax of two donars on every dog and three dollars on every bitch, and that there shall be a collar on every dog, with the name and address of the owner marked thereon; also that every dog be registered in the Townsaip Clerk's office.

The two bills incorporating the Wood Paving companies came up and were amended by Mr. Bevans, so that it was necessary to return them to the Senate, and their passage was thus delayed.

THE CAMBEN AND AMBOY MONOPOLY.

A Richmond in the Field-The Monopoly Trembling-Public Meeting in Trenton in Favor of the Proposed Air Line from

The bill introduced into the New Jersey Legisla ture three weeks ago to incorporate the National Rallway Company, with the view of having an air line from Philadelphia to New York, was defeated by the Camend and Amboy monopoly, which has owned the Legislature for years. Another bill was introduced a few days ago which gives the State such privileges in the matter and offers such facilities to the pupils that it is fauitless, yet this body guard of Camden and Amboy will lay it on the shelf again without doubt. A large meeting was held in Taylor's Hail, Trenton. last evening, in favor of the proposed air line, and speeches were delivered by prominent railroad men. This enterprise, if it can be carried out, will confer incalculable advantages on the travelling public,

nasmuch as it would compet Camden and Amboy to lower the rates and destroy its power as a monopoly. The latter made a flank mevement in the Legislature yesterday by introducing a bill for the Incorporation of the Mercer and somewhere Railway Company, to construct a line of railroad from a convenient point on the line of the Betridere and Delaware Railroad not more than six miles from Trenton to the present westerly terminus of the Milistone and New Brunswick Railroad. This bill was reported favorably by the committee, who acted with a promptness in the matter that gives assurance to the monopoly that all is right yet. The real object of the bill is to kin on the bill introduced by the National Railway Company, by obtaining the charter for which the latter are seeking and thus taking Mie wind out of their sails. The only members from Hudson county who fought the monopoly siep by step and advocated the new line were Sidney B. Bevans and Hermann B. Busch, of Hobeken, the latter being a man of "great weight" in every sense. It will be interesting to the constituents of the members of the present Lerislature to watch the vote when Camden and Amboy is placed on trial.

The National Company now offer \$500,000 to the to lower the rates and destroy its power as a mon-

on trial.

The National Company now offer \$500,000 to the The National Company now offer \$500,000 to the State, and guarantee that two trains shall be run each way daily for the accommodation of local travel. They also agree to pay one per cent per annum on the cost of their road and appurtenances, and to fix the rate for passenger travel at three cents per mile, with freights at corresponding low figures.

OULY A LIFE LOST.

Serious Charge Against an Officer. Yesterday Commissioner Manierre heard evidence

on complaints against policemen. Frederick Sentiling, of the Seventa precinct, was charged with grossly improper conduct. It appeared from the evidence that on the evening of the 23d ultimo. Samuel Corbett, master of the canal boat Susan, lying at pier 50 Bast river, staggered along the dock in at pier 50 Bast river, staggered along the dock in a gross state of intoxication. Instead of arresting him. Schiling, it is charged, put him on board his boat, from which he fell into the river and was drowned. The prosecution snowed that Schilling told different stories about the circumstances—on one occasion saying he found the man at a grocery store near by and put him in the custody of his write and son on the boat, and on another occasion that he found him chinging to a strappiece of the pier. Two witnesses for the delence estined that the older saw Corpett safely on board his craft, across which he staggered and fell find the water. The evidence also showed that Mrs. Corbett was entertaining hidy friends from other boats in her cabin and all were drunk. The bearing was adjourned to obtain the evidence of Mrs. Corbett.